

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.46158 of 2022

Arising Out of PS. Case No.-300 Year-2021 Thana- RAJNAGAR District- Madhubani

1. Dani Lal Yadav @ Dani Yadav Son Of Late Bangtu Yadav @ Late Jagdish Yadav R/O Village- Pilakhabar, P.S.- Rajnagar, District- Madhubani
2. Ranjan Yadav @ Ranjan Kumar Yadav Son Of Dani Lal Yadav @ Dani Yadav R/O Village- Pilakhabar, P.S.- Rajnagar, District- Madhubani

... .. Petitioner/s

Versus

The State of Bihar

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr. Subhash Kumar Jha, Adv.
For the Opposite Party/s : Mr. A.G
For the Informant/s :

CORAM: HONOURABLE MR. JUSTICE SHAILENDRA SINGH
ORAL ORDER

5 04-04-2023 Heard learned counsel for the petitioners and the learned APP for the State.

Learned counsel for the informant submitted that the soft copy of the counter affidavit has been filed and permission is required to file hard copy of the same.

Permission is accorded.

The office is directed to keep the hard copy of the counter affidavit filed by the informant's counsel on record.

Petitioners seek regular bail in connection with Rajnagar P.S. Case No. 300 of 2021 dated 25.10.2021 registered for the offences punishable under Sections 341, 323, 504, 506, 324, 325, 308 and 379/34 of the Indian Penal



Code.

As per the prosecution, the informant alleged that both the petitioners along with other named co-accused persons assaulted him and others by means of lathi, axe and tengari while they were on election campaign. It is further alleged that these accused persons took away the gold chain of the informant worth of Rs. 10,000/- and one motorcycle.

The main submissions advanced by petitioners' counsel are that in the instant matter, two persons are stated to be injured and as per the medical expert's opinion, the said injured sustained injuries by hard and blunt object, which is not corroborative to the allegation of having been assaulted by means of *axe* and the injured Bhola Yadav who is stated to have been assaulted by petitioner No. 1, sustained simple injury as per the medical opinion and the FIR was lodged after an inordinate delay of seven days and the same was not explained and as per the prosecution, the injured persons were admitted to Sadar Hospital, Madhubani where they had sufficient opportunity to record their *Fardbeyan* but they remained silent and thereafter lodged the FIR after thought, all the cases of criminal antecedents of the petitioners were lodged by the prosecution side.



Learned counsel appearing for the informant has vehemently opposed the bail prayer and submitted that both the petitioners are veteran criminals and they committed murder of the uncle of the informant after institution of the FIR of the present matter and regarding the said occurrence of murder, Rajnagar P.S. Case No. 15/2022 was lodged against both the petitioners and on account of *Tengari* blow given by the petitioner No. 2, the injured Vijay Kumar Yadav (informant) sustained grievous injury and both the petitioners have criminal antecedents of several cases.

Learned APP appearing for the State has also opposed the bail prayer.

Heard both the sides and perused the FIR as well as case diary of this case. In the FIR, there is specific allegation against the petitioners, though one of the injured sustained simple injury but as per the submission made by informant's counsel, the uncle of the informant was murdered after institution of the FIR of the instant matter in which the petitioners played a specific role and admittedly in between both the parties, there are several litigations of criminal cases, so at this stage it will not be proper to enlarge the petitioners on bail. Accordingly, their prayer for bail stands rejected.



The petitioner No. 1 may renew his bail prayer **after framing of charge.**

(Shailendra Singh, J)

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